

REMARKS**Amendment to the Specification**

The specification has been amended as indicated above by more clearly defining the term “multi view image” as a “spatially accurate wavelength-resolved image” as indicated above. Support for this amendment may be found at least in Figures 3 and 5 as well as in paragraphs [0046], [0047], [0055], and [0058]. No new matter has been added.

Claim Rejections

Claims 1, 2, 5, 6, 9, 10, 13, 14, 17, 18, 21, 22, 25, 26, 29, and 30 currently stand rejected under 35 U.S.C. §103(a) as being unpatentable over Batchelder (U.S. Patent No. 5,689, 333; “Batchelder”) as evidenced by Rigler (U.S. Pub. No. 2002/0114224; “Rigler”) in view of Byrne (U.S. Patent No. 6,724,950; “Byrne”).

Claims 3, 4, 8, 11, 12 15, 16, 19, 20, 23, 24, 27, 28, 31, and 32 currently stand rejected under 35 U.S.C. §103(a) as being unpatentable over Batchelder as evidenced by Rigler in view of Byrne and further in view of Treado (U.S. Pub. No. 2002/0113210; “Treado”).

Independent Claim 1

Claim 1 currently stands rejected under 35 U.S.C. §103(a) as being unpatentable over Batchelder (U.S. Patent No. 5,689, 333; “Batchelder”) as evidenced by Rigler (U.S.

Pub. No. 2002/0114224; "Rigler") in view of Byrne (U.S. Patent No. 6,724,950; "Byrne").

Claim 1 has been amended by including the limitation "wherein said calculated image is a spatially accurate wavelength-resolved image". As defined above in the Amendment to the Specification, a spatially accurate wavelength-resolved image is an image of a sample that is formed from multiple "frames" wherein each frame has plural spatial dimensions and is created from photons of a particular wavelength (or wave number) or from photons in a particular wavelength band (or wave number band) so that the frames may be combined to form a complete image across all wavelengths (wave numbers) of interest. Neither Batchelder, Rigler, or Byrne, either separately or in combination, disclose a spatially accurate wavelength-resolved image, creating an image, or creating a spatially accurate wavelength-resolved image of the forensic sample, as claimed in amended Claim 1. In fact, Batchelder teaches away from creating a spatially accurate wavelength-resolved image at col. 10 ll. 52-65. Here, Batchelder discusses the use of "binning" where "several adjacent pixels are treated as a group" and software is used to "add[] together the data which is captured from the consecutive pixels in the group, and treats the result as one data point". The consequence of doing so necessarily destroys any spatial accuracy of the resulting data and hence it is impossible to create a spatially accurate wavelength-resolved image.

Accordingly, the rejection under 35 U.S.C. §103(a) must be withdrawn and Applicant respectfully requests the withdrawal of this rejection.

Dependent Claims

Claims 2, 5, 6, 9, 10, 13, 14, 17, 18, 21, 22, 25, 26, 29, and 30 currently stand rejected under 35 U.S.C. §103(a) as being unpatentable over Batchelder (U.S. Patent No. 5,689,333; “Batchelder”) as evidenced by Rigler (U.S. Pub. No. 2002/0114224; “Rigler”) in view of Byrne (U.S. Patent No. 6,724,950; “Byrne”).

Each of the above claims is dependent, either directly or ultimately, from Claim 1 and therefore for the reasons stated above are patentable by virtue of the dependence from Claim 1 without regard to the additional patentable limitations contained respectively therein. Accordingly, the rejections under 35 U.S.C. §103(a) must be withdrawn and Applicant respectfully requests the withdrawal of these rejections.

Claims 3, 4, 8, 11, 12 15, 16, 19, 20, 23, 24, 27, 28, 31, and 32 currently stand rejected under 35 U.S.C. §103(a) as being unpatentable over Batchelder as evidenced by Rigler in view of Byrne and further in view of Treado (U.S. Pub. No. 2002/0113210; “Treado”).

Each of the above claims is dependent, either directly or ultimately, from Claim 1 and therefore for the reasons stated above are patentable by virtue of the dependence from Claim 1 without regard to the additional patentable limitations contained respectively therein. The Treado reference is used by the examiner for teaching a noise reduction method. The addition of the reference to Treado does nothing to obviate the deficiencies in Batchelder, Rigler, and Byrne, as discussed above. Accordingly, the rejections under 35 U.S.C. §103(a) must be withdrawn and Applicant respectfully requests the withdrawal of these rejections.

CONCLUSION

Applicant respectfully submits that all of the claims are in condition for allowance. A notice to this effect is respectfully requested.

If any point remains that is deemed best resolved through a telephonic conversation, the Office is hereby requested to contact the undersigned directly.

If a Petition for an Extension of Time is necessary for the papers transmitted herewith to be timely filed, this transmittal is to be considered as a Petition to extend the response period by the amount of time needed for the papers to be timely filed.

Respectfully submitted,

/mcc/
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Dated: 3 March 2008